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RUEHBS/AMEMBASSY BRUSSELS 5724
RUEHFR/AMEMBASSY PARIS 5345
RUEHTC/AMEMBASSY THE HAGUE 1274
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UNCLAS SECTION 01 OF 04 ANKARA 000262

SIPDIS

JUSTICE FOR DAAG SWARTZ/OPDAT ALEXANDRE/OIA WARLOW
TREASURY OTTF

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SUBJECT: EURO-TURKISH PROSECUTORS' ANTI-TERRORISM ROUNDTABLE

Ref: Ankara 6496 and previous

11. (SBU) Summary: On January 25-26, the US Department of Justice, Office of Overseas Prosecutorial Development Assistance and Training

("OPDAT") through post's Resident Legal Adviser, hosted a legislative roundtable on methods to investigate and prosecute terrorist organizations, particularly the PKK. . This was a first-ever meeting in which terrorism prosecutors from Turkey met with French, Dutch and British terrorisms prosecutors to discuss strategic applications of their respective laws in fighting terrorism. At the last moment, several members of the Turkish Ministry of Interior attended the roundtable as well as two members of Turkish intelligence and a French diplomat. The two- day workshop was filled with candid discussions on expediting flows of information, the possibilities and caveats in using classified information in prosecutions and specific cases. The Netherlands, France and the UK gave detailed case presentations of on-going and past investigations, highlighting the need for closer relationships and quick access to Turkish counterparts in order to build stronger prosecutions. The European participants had not been to Turkey before and most of the Turkish officials had never spoken with European prosecutors one-on-one. The round table format allowed everyone the opportune to speak on all aspects of terrorism and law enforcement. We believe this roundtable was an important first step in improving counterterrorism cooperation between Turkish and European prosecutors. End Summary.

Participants from Turkey and Europe

¶2. (SBU) Turkish MOI presented an in-depth look at the PKK and the Turkish prosecutor from the Diyarbakir region gave a presentation on the terrorist threat presented by the PKK. Deputy Public Prosecutors who all handled terrorism and organized crime from the eight districts in Turkey participated. Those regions include Adana, Ankara, Diyarbakir, Erzurum, Istanbul, Izmir, Malatya and Van. The Ministry of Justice representatives included co-moderator Ozcan Avci, Director of International Training, Fahri Tosun, Deputy Director of International Training, Deputy and Ergin Ergul, Deputy General of

International Law and Foreign Affairs. European experts included France's Philippe Dorcet, Liaison Magistrate, Embassy of France in Turkey, Anne Kostoumaroff, Chief of Anti-terrorism section, Paris Ministry of Justice and Francois-Xavier Reymond, Second Secretary, Embassy of France in Turkey; The Netherlands' Eric Noordhoek, National Public Prosecutor AML/CFT and Anton C Maan, Senior Public Prosecutor; and the United Kingdom's Susan Hemming, Head of Counter Terrorism Section and Colin Gibbs, Senior Lawyer, Counter Terrorism Section. US participants included Suzanne Hayden,

Resident Legal Adviser US DOJ/OPDAT, Embassy Ankara and James Silverwood, Regional Director, OPDAT Washington DC. Each of the participants described their laws and their desire to work with the

Turkish prosecutors to build better international cases.

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Prosecutive Issues in Europe

¶3. (SBU) The Dutch experience involved a detailed look at a prosecution of Al-Haramain and a discussion of the difficulties encountered when the court demanded information deemed classified and unavailable by another country. The Dutch prosecutor discussed looking for alternative methods of addressing terrorist entities or businesses including administrative procedures such as licensing, if insufficient evidence existed for a criminal prosecution. The prosecutor who serves as a liaison between the prosecution service and the intelligence community detailed the investigation of a PKK training camp located in the Netherlands. He explained the difficult rulings of the court, the demands of the defense attorneys and the lack of international cooperation in obtaining information and/or access to witnesses. Note: This presentation made it clear to Turkish participants that international media descriptions of the case did not accurately reflect the lengths to which the prosecution went to try maintain custody of the suspects.

End Note

¶4. (SBU) The French described a series of search warrants leading to information believed to be linked to PKK members, requested follow-up information from the Turks and described French legal practices that would ensure non-disclosure of information received from Turkey. Both French participants indicated that they (France MOJ) had important information for the Turkish authorities and hoped to hear

from them. They stressed that they were committed to the investigation and prosecution of the PKK and would go forward regardless. The Paris chief prosecutor inquired about known links to the PKK and drug trafficking. She described specific examples of evidence recently found in a long-term investigation. Note: Press activity February 4, 2007 indicated the arrest of 13 individuals linked to the PKK. This case was probably the one referred to in the French presentations. End Note.

15. (SBU) The British prosecutors described their system as a middle ground between the Dutch and French regarding requirement to disclose information to the defendant. They acknowledged that they did not have domestic issues with the PKK, but they had a number of terrorist organizations that they were actively working. They both discussed the need to be creative in charging: to prosecute for an underlying or typical organized crime if terrorism charges could not be made. The recurrent theme was "Don't be afraid to try something if the alternative is nothing." They provided a detailed discussion of the on-going case regarding last summer's plot to bring liquid explosives onto airplanes. Although the case will not be tried for several years, the prosecutors wanted to share non-public information and theories with this group

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of their peers.

Free flows of Information and Freedom of Speech

16. (SBU) The Turkish prosecutors repeatedly inquired into formal and informal mechanisms to share information, extradition problems and the granting of asylum to putative terrorists. While the US and Europeans urged the use of informal channels to elicit information for leads or to confirm suspicions, the Turkish participants questioned the legality and practicality. Ergin Ergul, the primary representative for the MOJ section dealing with MLATS and other formal request channels, agreed with the European participants that informal methods were acceptable and important when speed was necessary. He acknowledged that the formal channels were slower than informal but necessary to produce evidence for trials. He agreed that sometimes requests "languished" or were misplaced and that informal methods, i.e. a telephone call, were appropriate. Contact details for all participants were provided and each European participant urged their Turkish colleagues to contact them with questions. Ergul urged his colleagues to make use of such contacts.

17. (SBU) The issue of "freedom of speech" versus incitement was raised

by the Turkish participants a number of times. All non-Turkish participants discussed in general terms the limiting nature of their own "freedom of speech" issues and how they have dealt legislatively with printed media, clothing signifying terrorist association, and aiding and abetting acts of terrorism. All agreed that in order to act (i.e. a criminal prosecution) against an entity or organization there have to be clear demonstrable links to terrorism.

The Way Forward

18. (SBU) The "roundtable" format was a new one for all of the Turkish participants and the French participants. The initial get-acquainted period was shortened because all participants stayed in the same venue as the workshop. The MOJ furnished their Hakim Evi ("Judges' House") and paid for full room and board for all the participants. The Consul General hosted a reception at her Residence and invited several Istanbul-based MOJ, MOI and European counterparts. The formal and informal exchanges of information that flowed for 36 hours set the stage for next steps. The RLA was contacted by MOJ, MOI and several of the European participants to request that this meeting should be the first of many such gatherings.

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Comment

19. (SBU) This format proved a valuable tool to advance DOJ/USG goals to encourage Turkish and European coordination in prosecuting terrorist organizations. By moderating the discussion, the US was able to support all of the participants, clarify the issues and remain unobtrusively involved in the discussion. No one felt that this was "led" by the US, but rather felt simply that the opportunity for a dialogue was provided. Without exception, the six European participants excelled in their presentations, their patience and their grasp of the unique situation that the Turkish participants found themselves confronting. The parties were able to talk candidly and express concerns for their own position. The Turkish participants were able to raise issues regarding EU countries and to discover directly through interaction with three EU members, that each country had different laws and practices in investigating and prosecuting terrorism. Non-Turkish participants reiterated at every opportunity that they would assist in any way they could but that Turkish officials should be willing to assist the Europeans if prosecutions could only take place outside of Turkey. The roundtable opened possibilities for future workshops between Turkish participants and different EU members. Such workshops could address legislative tools that work well or may need

amending, "following the money" to identify leadership and funding of terrorist organizations and enhanced cooperation. The roundtable was also a tangible example of U.S. ability to facilitate Turkey and European countries cooperation against the PKK.

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